

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LUIS FERNANDO MAZARIEGOS,

Petitioner,

v.

Case No. 07-C-319

ROBERT HUMPHREYS,

Respondent.

**ORDER STAYING TIME TO FILE AN ANSWER AND SETTING BRIEFING
SCHEDULE RE: RESPONDENT'S MOTION TO DISMISS**

On April 4, 2007, the petitioner, Luis Fernando Mazariegos ("Mazariegos"), filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 12, 2007, United States District Judge William C. Griesbach, to whom this action was originally assigned, issued an order pursuant to Rule 4 of the Rules Governing § 2254 Cases. On May 1, 2007, this action was reassigned to this court based on the parties' consent to proceed before a magistrate judge, and on May 2, 2007, this court entered an amended scheduling order. Thereafter, on May 25, 2007, the respondent filed a motion to dismiss Mazariegos's petition for a writ of habeas corpus and a motion to stay the time for the respondent to file his answer to the petition.

The respondent's motion to stay the time to file his answer will be granted. Furthermore, the following briefing schedule will govern the respondent's motion to dismiss. The petitioner's response to the respondent's motion to dismiss shall be filed on or before June 25, 2007, and the respondent's reply shall be filed on or before July 10, 2007. All other briefing on Mazariegos's

petition for a writ of habeas corpus shall be stayed until the court has decided the respondent's motion to dismiss.

NOW THEREFORE IT IS ORDERED that the respondent's motion to stay the time to file his answer be and hereby is **GRANTED**;

IT IS FURTHER ORDERED that the petitioner's response to the respondent's motion to dismiss the petition for a writ of habeas corpus shall be filed on or before June 25, 2007;

IT IS FURTHER ORDERED that the respondent's reply, if any, in support of his motion to dismiss the petition for a writ of habeas corpus shall be filed on or before July 10, 2007;

IT IS FURTHER ORDERED that all other briefing on the petitioner's petition for a writ of habeas corpus be and hereby is **STAYED** until the court has decided the respondent's motion to dismiss the petition.

SO ORDERED this 29th day of May 2007, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge